

REGULAR MEETING AGENDA

Wednesday, October 22, 2014 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF PUBLIC HEARING

The following hearing was opened on September 17, 2014, continued on October 15, 2014, and recontinued to tonight, October 22, 2014. The previously seated ZBA members for this request are Vic Capellupo, Jeff Williams, Mike Nedder, Rich Wood and Kevin Fullington.

The applicant has provided an extension allowing the ZBA to continue this hearing to the next scheduled meeting on November 12, 2014. The applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than December 26, 2014 (up to 100 total days from their September 17 opening). The next scheduled regular ZBA meetings are November 12, 2014 and December 10, 2014.

CALENDAR NO. 23-2014

TO BE RECONTINUED TO NOVEMBER 12, 2014

The application of Stephen K. Jones and Jones Green Design on behalf of Douglas & Cameron Sokolik submitted on May 21, 2014 for variances of Sections 406 and 906.3 of the Darien Zoning Regulations; to allow the construction of a two-story addition, to allow the existing chimney to remain, and to allow a replacement parking space within setback spaces; Section 406: 11.4 in lieu of 12.4 feet minimum required north side yard setback; 12.6 in lieu of 13.6 feet minimum required south side yard setback; and 24.0 in lieu of 25.0 feet minimum required total of two side yard setbacks for the addition; and Section 906.3: 21.5 in lieu of 30.0 feet minimum required front yard setback; and 1.1 in lieu of 10.0 feet minimum required north side yard setback for one of the two required parking spaces. The subject property is situated on the west side of Hillcrest Avenue approximately 800 feet north of its intersection with Middlesex Road and is shown on Assessor's Map #27 as Lot #38, being 10 Hillcrest Avenue and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 46-2014

The application of Jeanne Brown submitted on September 15, 2014 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a one and one-half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 50.0 in lieu of 60.0 feet minimum required lot width, and 8,584 in lieu of 8,712 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 50.0 in lieu of 60.0 feet minimum required lot width. The property is situated on the east side of Raymond Heights approximately 250 feet north of the intersection with Raymond Street and is shown on Assessor's Map #36 as Lot #94, being 14 Raymond Heights and located in an R-1/5 (residential) Zone.

CALENDAR NO. 47-2014

The application of Nancy Brewer on behalf of Ridge Acres Association submitted on September 15, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to install a generator and underground propane tank on Association property to provide back-up power to a shared well; Section 406: approximately -45.0 in lieu of 50.0 feet

minimum required front yard setback for the generator. The shared well is situated within the landscape cul-de-sac area approximately 200 feet south of the intersection of Ridge Acres Road and Woodley Road and serves 6 Woodley Road (Lot #59), 10 Woodley Road (Lot #60), 9 Woodley Road (Lot #61) and 18 Ridge Acres Road (Lot #62) all found on Assessor's Map #4 and located in an R-2 (residential) Zone.

CALENDAR NO. 48-2014

The application of Stephen Jones and Jones Green Design on behalf of Trimodia, LLC/Ronald Malloy submitted on September 17, 2014 for an interpretation of Section 385 and variances of Sections 334, 406 and 906 of the Darien Zoning Regulations; to allow the construction of a two story replacement house with parking and AC equipment; Section 385: a determination that the subject lot is a legal nonconforming building lot with 47.8 in lieu of 80.0 feet minimum required lot width, and 7,028 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 47.8 in lieu of 80.0 feet minimum required lot width; Section 406: 10.0 in lieu of 30.0 feet minimum required Herman Avenue front yard setback, and 5.6 in lieu of 10.0 feet minimum required east side yard setback for the house; 7.7 in lieu of 10.0 feet minimum required east side yard setback for the AC equipment; 20.8 in lieu of 20.0 percent maximum allowable building coverage; and Section 906.3: portions of the two required parking spaces extending to 1.0 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the southeast corner of the intersection formed by Edgewood Road and Herman Avenue and shown on Assessor's Map #20 as Lot #79, being 34 Herman Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 49-2014

The application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of Warrington Homes (contract purchaser) and Estate of Emilie Wiggins & Gordon Whelply Jr. Tr Et Al submitted on September 17, 2014 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a two and one-half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 140.3 in lieu of 150.0 feet minimum required lot width, and 30,208 in lieu of 43,560 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction of a building lot with 140.3 in lieu of 150.0 feet minimum required lot width. The property is situated on the east side of Pear Tree Point Road approximately 170 feet north of the intersection with Crane Road and shown on Assessor's Map #60 as Lot #23, being 106 Pear Tree Point Road and located in an R-1 (residential) Zone.

CALENDAR NO. 50-2014

The application of Steven W. Mason submitted on September 17, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story covered front porch and replacement entry steps; Section 406: 31.3 in lieu of 37.0 feet minimum required front yard setback for the steps and 33.4 in lieu of 40.0 feet minimum required front yard setback for the porch. The property is situated on the west side of Cliff Avenue approximately 800 feet north of the intersection with Tokeneke Road and shown on Assessor's Map #36 as Lot #55, being 21 Cliff Avenue and located in an R-1/2 (residential) Zone.

DELIBERATIONS AND DECISIONS

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Approval of Minutes of Calendar No. 32-2014, the application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge, 2748 Boston Post Road. Seated ZBA members for this request are Vic Capellupo, Jeff Williams, Mike Nedder, Rich Wood and Ruth Anne Ramsey.
2. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.

3. Discussion of Planning and Zoning Commission update of the Plan of Conservation and Development.
4. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).